

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK**

CHRISTOPHER D'AMORE, individually and
on behalf of a class of participants in the
University of Rochester Retirement Program,

Plaintiff,

v.

Case No. 6:18-cv-06357-MAT

UNIVERSITY OF ROCHESTER,

Defendant.

UNOPPOSED MOTION FOR EXTENSION

Plaintiff Christopher D'Amore, by and through his undersigned counsel, respectfully moves to extend the October 12, 2018 deadline for Plaintiff to file an amended complaint, a notice of intent to maintain the current complaint, or a notice of dismissal, as well as Defendant's respective deadline to move, answer or otherwise respond, and in support thereof states as follows:

1. By Stipulation and Order dated August 29, 2018 (Dkt. No. 11), this Court granted an extension of time for Plaintiff to either file an amended complaint, voluntarily dismiss his complaint, or provide notice to Defendant that he intends to maintain his current complaint by October 12, 2018. The time for Defendant to move, answer, or otherwise respond to the complaint or any amended complaint filed was also extended to November 26, 2018.
2. On or around September 5, 2018, Counsel for Plaintiffs received documents from Defendant responsive to Plaintiff's ERISA § 104(b)(4) document requests concerning certain plan-related documents.

3. Since then, Plaintiff has been diligently reviewing these documents and conferring with Defendant, but will need additional time to fully assess and discuss the information and materials with Defendant's Counsel, and to adequately determine whether Plaintiff will be filing an amended complaint, a notice of dismissal, or maintaining the current complaint.

4. Accordingly, Plaintiff requests a brief three week extension from the current deadline, up to and including November 2, 2018, for Plaintiff to file an amended complaint, a notice of intent to maintain the current complaint, or a notice of dismissal. Within that period, the parties are scheduling a Fed. R. Civ. P. 408 tele-conference to discuss these and related issues and questions. Primary Counsel for Plaintiff is also recovering from an unexpected illness that left him incapacitated for a short period.

5. Plaintiff additionally requests the time for Defendant to move, answer, or otherwise respond to the complaint or any amended complaint filed be extended by three weeks, up to and including December 17, 2018.

6. Plaintiff avers that the instant motion will be the final requested extension with respect to filing an amended complaint, notice of intent to maintain the current complaint, or notice of dismissal.

7. Defendant consents and does not object to this Motion.

WHEREFORE Plaintiff respectfully requests that the Court enter an Order extending the deadline for Plaintiff to file an amended complaint, a notice of intent to maintain the current complaint, or a notice of dismissal, as well as Defendant's respective deadline to move, answer or otherwise respond by three weeks, as set forth in the proposed order attached hereto.

Dated: October 9, 2018

Respectfully Submitted,

/s/ Benjamin J. Sweet

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Counsel for Plaintiff and the Class

**pro hac vice application forthcoming*

CERTIFICATE OF SERVICE

I hereby certify that, on October 9, 2018, a true and correct copy of UNOPPOSED MOTION FOR EXTENSION was served upon all counsel of record via the Court's electronic filing system.

/s/ Benjamin J. Sweet